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IT IS SO ORDERED.

Dated: April 17, 2017





ALAN M. KOSCHIK
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	
	:	
Julie A. Fox	:	Case No.: 15-50329
	:	Chapter 13
Debtor(s).	:	Judge Alan M. Koschik
	:	* * * * *
	:	
	:	

AGREED ORDER RESOLVING MOTION FOR RELIEF FROM STAY AND CO-DEBTOR STAY (DOCKET NUMBER 40) AS TO REAL PROPERTY LOCATED AT 13277 BURSLEY RD, SPENCER, OH 44275

This matter having come before the Court on the Motion for Relief from Stay and Co-Debtor Stay which was filed in this court by U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT ("Creditor"), by and through its mortgage servicing agent Rushmore Loan Management Services, LLC, as Docket

16-015193_JMR

Number 40, and the opposition of Julie A. Fox ("Debtor") thereto; and it appearing to the Court that the parties have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Creditor; and the Court, being otherwise fully advised in the premises, hereby issues the following Order with respect thereto:

1. The Chapter 13 Plan filed herein on behalf of the Debtor provided that said Debtor was to make regular monthly mortgage payments to Creditor outside of the Plan in a regular monthly fashion.
2. In breach of the terms of said Plan, the Debtor failed to make certain of the regular monthly mortgage payments to Creditor; said payments are currently in default for the months of March 2015 and subsequent months, incurring a total post-petition arrearage of \$22,523.95 through February 2017, which consists of 12 post-petition payments at \$883.45 each, 1 post-petition payments at \$964.78 each, 11 post-petition payments at \$941.07 each, filing cost of \$181.00 and attorney fees in the amount of \$425.00.
3. In order to partially eliminate said post-petition delinquency, the Creditor is permitted to file a Supplemental Proof of Claim in the amount of \$22,523.95 representing the total post-petition delinquency detailed above.
4. In order to absorb the delinquency into the plan, Debtors' plan payment is hereby modified to \$1,025.75 per month, and the Trustee is authorized to file a new wage order indicating the new payment amount.
5. The Debtor hereby agrees to resume regular monthly mortgage payments outside the Plan directly to Creditor for the March 2017 regular monthly mortgage payment in the amount

of \$1,026.03 and agrees to make all further monthly payments in a timely fashion.

Payments to be sent to:

Rushmore Loan Management Services, LLC
Attn: Payment Processing
P.O. Box 52708
Irvine CA 92619-2708

6. This Provisional Order remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates his case by order of the Court and/or the Creditor obtains relief from stay and the stay is subsequently reinstated by order of the Court.
7. The following are events of default under this Provisional Order: (a) Debtor fails to make any of the lump sum payments hereinabove described on or before their specified due dates; (b) Debtor fails to pay any future monthly mortgage payment so that the payment is not received by Creditor on the last day of the month in which it is due; (c) Debtor fails to make any Chapter 13 Plan payment to the Trustee's Office within 30 days of the last day of the month in which it is due (hereinafter, any of the events described above shall be referred to as a "Default").
8. Upon the existence of a default, Creditor's counsel shall send Debtor and counsel for Debtor a 10-day notice of Creditor's intent to file an affidavit and proposed order granting relief from stay.
9. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Creditor attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by § 362(a) and of the Bankruptcy Code with respect to Creditor, its successors and assigns.

10. Debtor's opportunity to cure the default shall be limited to three occurrences. Upon the occurrence of the fourth default, then upon the filing of an affidavit by Creditor attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code and co-debtor stay imposed by Section 1301 of the Bankruptcy Code with respect to Creditor, its successors and assigns.
11. Counsel for Debtor is not representing Co-Debtor Randall E. Fox and did not object to the request for relief from Co-Debtor stay. No one appeared or otherwise responded on behalf of the Co-Debtor. Thus, the Court grants by default, relief from the Co-Debtor stay imposed by § 1301 of the Bankruptcy Code, with respect to Creditor, its successors and assigns.

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SUBMITTED BY:

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